

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

F B Rice & Co
605 Darling Street
BALMAIN NSW 2041

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **30 NOV 2004**

Applicant's or agent's file reference
120000

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/AU2004/001288

International filing date (day/month/year)
21 September 2004

Priority date (day/month/year)
22 September 2003

International Patent Classification (IPC) or both national classification and IPC
nt. Cl. ⁷ A63F 13/12, G07F 17/34, G06F 161/00

Applicant

ARISTOCRAT TECHNOLOGIES AUSTRALIA PTY LTD et al

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

10/572930

PCT/AU2004/001288

AP9 Rec'd PCT/PTO 22 MAR 2006

Box No. I

Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
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International application No.

PCT/AU2004/001288

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims 1-53	NO
Inventive step (IS)	Claims	YES
	Claims 1-53	NO
Industrial applicability (IA)	Claims 1-53	YES
	Claims	NO

2. Citations and explanations:

Relevant documents cited in the search report:

- (a) AU 775198 (200068729)
- (b) WO 2003/025828
- (c) EP 1079344
- (d) EP 1041525
- (e) US 6264560
- (f) GB 2378664
- (g) EP 0360613
- (h) US 2001/0036857
- (i) BE 1014377

NOVELTY (IN) Claims 1-53

AU citation (a) discloses a gaming device with a game program memorising medium in which user or player skill levels are strongly reflected. Individual games histories for specific players are recorded and utilised in allowing functional actuation of aspects of the game. It provides for updating of these histories. Citation (b) is directed to a "player specific game system" with similar features including different triggering levels for different players. Citations (c) to (d) also similarly disclose a gaming machine/system in which the use of player game histories to access relevant aspects of the device are inherent. These documents are therefore considered to essentially disclose the invention as defined in claims 1-5, 13-20, 26, 36-43. The features added by the appended claims are considered either to be disclosed in the cited art and/or elements of common general knowledge available to a person skilled in the art. The claimed invention lacks novelty.

INVENTIVE STEP (IS) 1-53

Claims 1-5, 13-20, 26, 36-43: as above

Claims 6-12, 29-35, 44-53. Additionally, when citations (d) and/or (e) are combined with citations (f) to (i) individually or severally, as would be obvious to a person skilled in the art, the features added by these appended claims are inherently disclosed, and/or considered to be inessential adaptations thereof. The claimed invention lacks inventiveness.

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International application No.

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Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

<u>Application No.</u> <u>Patent No.</u>	<u>Publication date</u> <u>(day/month/year)</u>	<u>Filing date</u> <u>(day/month/year)</u>	<u>Priority date (valid claim)</u> <u>(day/month/year)</u>
P, X, Y EP 1437876	14 July 2004	5 January 2004	9 January 2003

The PCT regulations preclude reporting on this document since it was published after the priority date of the claimed invention. It is merely mentioned for attention purposes. This document is considered to be very relevant to the independent claims 1, 13, 18, 26, 36; and essentially discloses the features of the invention added by the appended claims when the document is combined with citations (a) to (c) individually or severally, as would be obvious to a person skilled in the art.

2. Non-written disclosures (Rules 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)

Date of written disclosure
referring to non-written disclosure
(day/month/year)

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- (a) Claim 36 is not fully supported by the description, in that the claim does not adequately reflect all of the salient characterising features of the invention described and defined elsewhere in the specification. No mention is made in the claim of **selection of games/rankings being a function of past game playing histories of the players**. See claims 1, 13, 18, and 26 (also independent claims).
- (b) Claim 53 lacks clarity. It does not read properly: A word appears to be missing between “number” and “gaming” at page 25 line 10.